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AN APPEAL
TO THE CANDOR, MAGNANIMITY, AND
JUSTICE OF THOSE IN POWER,
TO RELIEVE FROM SEVERE AND OPPROBRIOS
SEVERITIES AND PENALTIES,
A GREAT NUMBER
OF THEIR FELLOW SUBJECTS,
WHO WILL GIVE EVERY SECURITY AND
TESTIMONY OF THEIR FIDELITY
AND ATTACHMENT TO THE PRESENT
ESTABLISHMENT, WHICH DOES NOT
OBLIGE THEM TO VIOLATE
THE RIGHTS OF CONSCIENCE.

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A N A P P E A L.

“ IT concerns those who are in power, so to regard other mens’ consciences, as they mind their own should be regarded in the power of others ; and to consider, that any law against conscience, is alike in force against any conscience, and so may, one way or other, justly redound upon themselves.”

The case of the protestant dissenters, not being sufficiently understood, it is necessary to explain more fully the penalties, which may be inflicted by subsisting laws, on those persons, who, from principle, refuse to qualify, by taking the sacrament, according to the usage of the church of England, for the purpose of holding civil offices and places under the government.

These

These penalties are little known, but are of the most grievous and distressing nature. A person, under such a situation, is liable to the following incapacities, and disabilities: he cannot sue, or bring any complaint or information, in course of law, let him be injured or aggrieved, in the highest degree, in person, character, or fortune:—he cannot prosecute a suit in a court of equity, though he be deprived of his property and right, or detained from them, by every art of fraud and iniquity:—he cannot be guardian to the child of his nearest and dearest relation or friend, who has none to protect him, or guide his tender years:—he cannot be executor to an helpless family, united to him by the ties of blood and affection:—he cannot receive a legacy, or deed of gift, from a relation or friend, though given as a token of friendship, or of approbation and esteem for his virtues, or in acknowledgment for his past services, or to make him more comfortable in life.

The same person lies under the reproach and infamy of being unworthy to execute

execute any civil or military office within the realm ; and is cut off from all the privileges and benefits which his fellow citizens enjoy. And, to complete the punishment, and make him feel a diminution in his fortune, he is liable to the forfeiture of five hundred pounds, to any person, who may be found base enough to prosecute him, for what he ought to be esteemed,—the preferring the right of private judgment, in matters of religion, before the riches and emoluments of the state.

As a proof that the legislature itself considers this law as hard and cruel, and not fit to be put in execution, an indemnifying act passes, generally, though not always, at the end of every sessions of parliament, to give six months longer time to those who have omitted to qualify. But it is well known, that this act has, occasionally, been suspended for two years: and though it is said to be intended to relieve the dissenters, it does not relieve them ; for no dissenter, as such, can be relieved by giving him longer time ; the conditions

ditions remaining the same, make no alteration in his dissent, which is founded upon a just and conscientious opinion, that to receive the Lord's supper, as a qualification for a civil office, is an abominable prostitution of a religious ordinance. The indemnifying act, as it is called, only suspends the prosecution for a time, but does not, according to the opinion of eminent lawyers, prevent its going on, or being carried into effect.

It may now be asked, do the civil incapacities and penalties, thus affecting the protestant dissenter, as a man, father, relation, friend, and member of the community, bear any proportion to the supposed danger, or imagined offence ?

An act formed when the horrors of property prevailed, which are now no longer apprehended, ought, therefore, to be repealed, the times, and the principles of the times, being changed.

A noble

A noble lord, speaking of France, said,—
 “ Why not look with a friendly aspect, when religion, whose long established prejudices no former age or period could remove, would give way to all the enlightened sentiments of refined liberality.”

And, in fact, France is restoring the protestants to their equal privileges and immunities with their other citizens, and permitting chapels to be built for the free exercise of their religion. If France can do all this, how much more is it incumbent on England to be just and liberal; a nation, that with reason prides herself on being more free and illumined than the rest of mankind, from the nature of her happy and noble constitution, which encourages free inquiry, and all the generous exertions of the human mind.

The emperor is also reforming abuses in religious matters, and instructing his subjects.

When

When, therefore, knowledge and truth are thus spreading through the world, for the English not to advance and come forth into light, but to remain in their ancient errors and prejudices, and thereby lose their former character of an enlightened nation, and the preceptors of mankind, would be the severest censure on their judgment and liberality.

“ In the idea of religious toleration, the state is supposed to concede that as a favour, which is due as a matter of right, but ought never to be received by the subject without an explicit reservation of the claim to established and equal liberty.”

The word “ toleration ” implies sufferance or forbearance ; but, of what ? and to whom is any injury done ? The word ought not to be used in a free state, as the cause ought not to exist.

To be obliged to take the test has been said to be a very small matter ; but is it nothing

nothing to act against conscience, or to act a lie in the presence of God and of mankind? It is contrary to the principles of an intelligent free government, that a respectable body of men, bearing equally with their fellow citizens all the taxes and burdens of the state, and equally good members of the community, by being willing to take all the oaths of fidelity and attachment to the established government, that they should be excluded from all the offices in the state, and the benefit of their services be lost to their country; and it is still more unjust, that they should lie under reproach and contempt, and liable to the severest penalties for mere matter of opinion in religious affairs, which no one has a right to control, as it concerns only God and themselves.

Neither does the test answer the end intended, as it only secludes from the confidence of the state conscientious men; with others it has no effect, nor will cause any exclusion.

But

But there are offices of trust and great responsibility, which are compulsory, and concerning which it is doubtful whether they can be refused upon the plea of dissent. If they cannot, and the case has never been legally determined, then the penalties will operate in their full force, at the discretion of the minister, who may, in his resentment, involve a subject in heavy penalties and great hazards, not only against his will, but against his conscience. And, ultimately, criminate him by that very appointment to which he was not consenting, because it required conditions, with which it was previously known, he could not conscientiously comply.

But it is said, had there ever been a prosecution in the case in question, the penalties of the law would be annulled, and the law repealed. But even this supposition, admits one unjust prosecution, which may be commenced and carried on by any informer. It further presumes, that the legislature is willing to suffer the reproach of having

having a subject injured, rather than prevent his wrong, and save their own honour.

The protestant dissenters have not mentioned, in their printed case, all their grievances. They have not the right of marrying according to their own forms, although the quakers enjoy that privilege: the births of their children are not registered in the public register of the parish to which they belong; nor have they the right of burial in the burying ground of their parish according to their own forms: their chapels are only permitted on licence, and are subject to penalties in case of neglect or omission.

Even the clergy of the established church are reduced to a very disgraceful and humiliating situation, by the operation of the test act. The rubric strictly requires them not to admit any “open and notorious evil liver, or such as have done wrong to their neighbours by word or deed, or any between whom there subsists any malice or hatred,”

to

to the communion of the Lord's supper. But the test act allows no discretion to the clergyman, who, in case of his refusal of the sacrament to the most profligate person, who demands it as a qualification for a civil appointment or military commission, is liable to a legal prosecution and heavy fine.

And, further, every member of the church of England, who will not take the sacrament as a qualification for a civil office, is liable to all the penalties which the dissenter incurs by his refusal. Many such there are, who, as supporters of the general principles of the establishment, have a right to expect and obtain a total release and discharge from such a grievance, as they only differ in the application of the ordinance, and are unwilling to concur in what they consider as a gross abuse and perversion of it.

Every consideration of humanity, justice, and policy are united, and plead for the repeal of the obnoxious acts. Many valuable members will be gained to the community, by

by whose services it would be benefited. A spirit of candor and humanity would prevail among the citizens of the same government, and manifest that difference in religious opinions, does not prevent attachment and love to the civil constitution of our country; in the benefits of which all being equally partakers, all would be equally desirous to promote its welfare. No partiality could be suspected in the execution of the laws. Distinction and party in religious matters would insensibly wear away; and we should become an example to the rest of the world of candor, magnanimity and justice, proceeding from the spirit of free inquiry, and the love of truth.

March 20, 1787.



